

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SIERRA CLUB, *et al.*,

Petitioners,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY, *et*
al.


Respondents.

No. 20-1115

CERTIFIED INDEX TO THE ADMINISTRATIVE RECORD

I am David F. Garcia, Director of the Air and Radiation Division of Region 6 for the United States Environmental Protection Agency ("EPA Region 6"). I certify that the documents listed and described below comprise the administrative record of EPA Region 6's action under the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, titled, "Withdrawal of Finding of Substantial Inadequacy of Implementation Plan and of Call for Texas State Implementation Plan Revision - Affirmative Defense Provisions." This action was published at 85 Fed. Reg. 7232 (February 7, 2020). The index lists documents related to this action from EPA's Clean Air Act Docket Number EPA-R06-OAR-2018-0770.

In witness thereof, I have signed my name this ____22nd____ day of
July 2020, at EPA Region 6, Dallas, Texas.



David F. Garcia, P.E.
Director
Air and Radiation Division
U.S. Environmental Protection Agency,
Region 6
Dallas, Texas

**LIST OF DOCUMENTS IN THE ADMINISTRATIVE RECORD FOR
EPA'S ACTION AT 85 FED. REG. 7232 (Feb. 7, 2020)
[WWW.REGULATIONS.GOV, Docket No. EPA-R6-OAR-2018-0770]**

Docket ID	Title/Description	Topic	Date of Document or Date Received
Subject Rulemaking: Federal Register Notices			
EPA-R6-OAR-2018-0770-0001	Air Quality State Implementation Plans; Approvals and Promulgations; Texas, Withdrawal of Finding of Substantial Inadequacy of Implementation Plan and of Call for Texas State Implementation Plan Revision -- Affirmative Defense Provisions, Proposed rule, 8 pages.	PROPOSED RULE	4/29/2019
EPA-R6-OAR-2018-0770-0039	Withdrawal of Finding of Substantial Inadequacy of Implementation Plan and of Call for Texas State Implementation Plan Revision - Affirmative Defense Provisions, Final action, 15 pages.	FINAL RULE	2/07/2020
Public Submissions and Record of Communications on Proposed Rulemaking			
EPA-R6-OAR-2018-0770-0011	Anonymous Comments	PUBLIC SUBMISSION	6/6/2019
EPA-R6-OAR-2018-0770-0012	Comments submitted by the Paul O'Neill School of Public and Environmental Affairs, Indiana University Bloomington	PUBLIC SUBMISSION	6/20/2019
EPA-R6-OAR-2018-0770-0013	Comments submitted by the Texas Oil and Gas Association	PUBLIC SUBMISSION	6/27/2019
EPA-R6-OAR-2018-0770-0014	Comments submitted by Duke Energy on Region 6 Proposal for an Alternate Interpretation of SSM and to Withdrawal Call to Revise Texas SIP	PUBLIC SUBMISSION	6/27/2019
EPA-R6-OAR-2018-0770-0017	Comments submitted by the Harris County, Texas, County Judge	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-	Comments submitted by the Texas	PUBLIC	6/28/2019

Docket ID	Title/Description	Topic	Date of Document or Date Received
2018-0770-0018	Commission on Environmental Quality	SUBMISSION	
EPA-R6-OAR-2018-0770-0019	Comments submitted by Vince Ryan, Harris County Attorney	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0020	Comments submitted by the Texas Environmental Justice Advocacy Services	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0021	Comments submitted by the Lower Colorado River Authority	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0022	Comments submitted by Vistra Energy Corp.	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0023	Comments submitted by Texas Pipeline Association	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0024	Comments submitted by the Texas Chemical Council	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0025	Comments submitted by the Texas MSS Working Group	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0026	Anonymous comments	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0027	Anonymous comments	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0028	Comments submitted by Adrian Garcia, Commissioner, Harris County Precinct 2	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0029	Comments submitted by the Class of '85 Regulatory Response Group	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0030	Comments submitted by Patrick Anderson, Los Fresnos, TX	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0031	Comments submitted by the National Environmental Development Association's Clean Air Project	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0032	Comment submitted by the SSM Coalition	PUBLIC SUBMISSION	6/28/2019

Docket ID	Title/Description	Topic	Date of Document or Date Received
EPA-R6-OAR-2018-0770-0033	Anonymous comments	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0034	Comments submitted by John Young, San Benito, Texas	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0035	Comments submitted by Environmental and Community Groups Coalition, 17 groups including Sierra Club	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0170-0038	Comments submitted by the Texas Environmental Justice Advocacy Services (correctly scanned)	PUBLIC SUBMISSION	6/28/2019
EPA-R6-OAR-2018-0770-0036	Record of Communication with TCEQ and Baker & Botts	RECORD OF COMMUNICATION	5/17/2019
EPA-R6-OAR-2018-0770-0037	Record of Communication with TCEQ and Baker & Botts	RECORD OF COMMUNICATION	6/26/2019
Supporting Documents			
EPA-R6-OAR-2018-0770-0002	Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction Activities, Final Rule (75 Fed. Reg. 68989-69002, Nov.10, 2010)	SUPPORTING & RELATED MATERIALS	11/10/2010
EPA-R6-OAR-2018-0770-0003	Excerpt from preamble discussion of 2015 SSM SIP Action as it relates to Texas SIP call (80 Fed. Reg. 33968-9, June 12, 2015)	SUPPORTING & RELATED MATERIALS	6/12/2015
EPA-R6-OAR-2018-0770-0004	Copy of Opinion in <i>Luminant Generation Co. LLC, et al. v. EPA</i> , 714 F.3d 841 (5th Cir. 2013)	SUPPORTING & RELATED MATERIALS	3/25/2013
EPA-R6-OAR-2018-0770-0005	Copy of 30 TAC 101.222 (concerning demonstrations related to emission events)	SUPPORTING & RELATED MATERIALS	10/17/2018
EPA-R6-OAR-2018-0770-0006	Memorandum concerning EPA's SIP Policy on Excess Emissions During Malfunctions, Startup, and Shutdown, from Steven A. Herman (EPA Assistant Administrator for Enforcement and Compliance Assurance) and Robert	SUPPORTING & RELATED MATERIALS	8/11/1999

Docket ID	Title/Description	Topic	Date of Document or Date Received
	Perciasepe (EPA's Assistant Administrator for Air and Radiation) to EPA's Regional Administrators (1999)		
EPA-R6-OAR-2018-0770-0007	Sign-In Sheet for meeting at EPA Region 6 with TCEQ, Baker Botts, and Valero on TCEQ's petition on Texas SSM SIP call	SUPPORTING & RELATED MATERIALS	11/7/2018
EPA-R6-OAR-2018-0770-0008	Email message from EPA Administrator Andrew Wheeler to all EPA employees, noting David Gray as Acting Regional Administrator for EPA Region 6	SUPPORTING & RELATED MATERIALS	3/25/2019
EPA-R6-OAR-2018-0770-0009	(1) Letter, from Anne Idsal, Regional Administrator, EPA Region 6, to TCEQ, concerning Region 6's partial grant of TCEQ's petition and convening a proceeding for reconsideration of the Texas SIP call, and (2) Memorandum titled "Regional Consistency Concurrence Request," from Anne Idsal, Regional Administrator, EPA Region 6, to Peter Tsirigotis, Director of EPA's Office of Air Quality Planning and Standards, related to Texas SSM SIP call	SUPPORTING & RELATED MATERIALS	10/16/2018
EPA-R6-OAR-2018-0770-0010	Texas Commission on Environmental Quality's Petition for Reconsideration and Request for Administrative Stay	SUPPORTING & RELATED MATERIALS	3/15/2017
EPA-R6-OAR-2018-0170-0040	Memorandum titled "Regional Consistency Concurrence Request SSM SIP Call for Texas," from Ken McQueen, Regional Administrator, EPA Region 6, to Peter Tsirigotis, Director, EPA's Office of Air Quality Planning and Standards	SUPPORTING & RELATED MATERIALS	1/6/2020
EPA-R6-OAR-2018-0770-0041	Memorandum to Docket file, concerning receipt of additional comments after closure of comment period	SUPPORTING & RELATED MATERIALS	Circa 8/5/2019
EPA-R6-OAR-2018-0770-0042	TCEQ Interoffice Memorandum, dated October 31, 2016, from Richard A.	SUPPORTING & RELATED	10/31/2016

Docket ID	Title/Description	Topic	Date of Document or Date Received
	Hyde, P.E., TCEQ's Executive Director, to Tucker Royall, TCEQ's General Counsel, titled "Analysis of Environmental Integrity Project's (EIP) Breakdowns in Air Quality Report, April 27, 2016"	MATERIALS	
EPA-R6-OAR-2018-0770-0043	EPA Region 6's Response to Comments on Withdrawal of Texas SSM SIP call	SUPPORTING & RELATED MATERIALS	December 2019
EPA-R6-OAR-2018-0770-0044	Record of Communication between EPA Region 6 (and Headquarters) and representatives of industry and Texas concerning proposed withdrawal of finding of substantial inadequacy of Texas SIP and of Texas SIP call related to affirmative defense SIP provisions	SUPPORTING & RELATED MATERIALS	12/12/2019
EPA-R6-OAR-2018-0770-0045	Draft of Federal Register Notice concerning the withdrawal of finding of substantial inadequacy of the Texas SIP and of Texas SIP call related to affirmative defense SIP provisions, as referenced in EPA Region 6's Regional Consistency memo (see Docket No. EPA-R6-OAR-2018-0170-0040)	SUPPORTING & RELATED MATERIALS	1/6/2020
EPA-R6-OAR-2018-0770-0046	EPA's SIP Consistency Issues Guide: How to Identify and Resolve SIP Consistency Issues	SUPPORTING & RELATED MATERIALS	1/30/2018